

1 Rene L. Valladares
2 Federal Public Defender
3 Nevada State Bar No. 11479
4 *S. Alex Spelman
5 Assistant Federal Public Defender
6 Nevada State Bar No. 14275
7 411 E. Bonneville Ave., Ste. 250
8 Las Vegas, Nevada 89101
9 (702) 388-6577
10 alex_spelman@fd.org

11 *Attorney for Petitioner Lafayette D. Holmes, Jr.

12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 Lafayette D. Holmes, Jr.,

15 Petitioner,

16 v.

17 Joe Gentry, *et al.*,

18 Respondents.

Case No. 2:17-cv-01980-RFB-GWF

**Unopposed motion to extend time
to file second amended petition**

(Second request)

19 Mr. Holmes respectfully requests an extension of 45 days, up to and including
20 Friday, May 31, 2019, to file his second amended petition. Respondents do not
21 oppose.
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1 **POINTS AND AUTHORITIES**

2 Holmes's current deadline to file the amended petition is April 16, 2019.¹ Mr.
3 Holmes's counsel requires additional time to effectively represent Mr. Holmes and
4 file an amended petition on his behalf.

5 Since Holmes's last request for an extension, both counsel and his family
6 member fell ill and needed to go to urgent care for treatment. This impeded
7 counsel's ability to complete the response in this matter by the deadline.

8 Further, the demands of other cases have prevented counsel from meeting
9 the current deadline. Holmes's counsel completed and filed, on March 22, 2019, the
10 last of several habeas corpus petitions due close in time. *See Morales v. Williams*,
11 No. 2:18-cv-00583-GMN-CWH, ECF No. 12 (D. Nev. Feb. 4, 2019) (amended
12 petition); *Garcia v. NDOC*, No. 2:17-cv-03095-JCM-CWH (D. Nev. Feb. 15, 2019)
13 (amended petition); *Pough v. Gittere*, No. 3:18-cv-00191-MMD-CBC (D. Nev. Feb.
14 28, 2019) (amended petition); *Nicholson v. Baker*, No. 3:16-cv-00486-MMD-WGC,
15 ECF No. 38 (D. Nev. March 5, 2019) (amended petition); *Garcia v. Dzurenda, et al.*,
16 No. A-19-791171-W (Nev. 8th J. Dist. Ct. March 14, 2019) (state petition); *Cardenas*
17 *v. Neven*, No. 3:15-cv-00476-MMD-CBC, ECF No. 39) (D. Nev. March 22, 2019)
18 (amended petition).

19 Next, just last Wednesday (April 10, 2019), Holmes's counsel completed an
20 extensive response to a motion to dismiss, filing that among other filings in the case
21 of *Hermansen v. Baker*, 3:17-cv-00135-MMD-CBC (D. Nev.) (ECF Nos. 38–42).

22 Next, Holmes's counsel is in the process of completing and filing a response to
23 a motion to dismiss in *Brown v. Baker*, No. 3:17-cv-00687-MMD-WGC (D. Nev.) by
24 April 19, 2019, in addition to completing the amended petition in this case.
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27 ¹ ECF No. 18.

1 At the same time as completing the response due in *Brown*, counsel is
2 preparing for a Ninth Circuit oral argument in San Francisco this Friday, on April
3 19, 2019, for the case of *Vincent v. Williams*, No. 17-16992 (9th Cir.). Holmes's
4 counsel is also lead counsel in *Vincent*, and will be arguing the matter.

5 Because of the intervening illnesses and the demands of other cases,
6 Holmes's counsel respectfully represents that another extension of time is necessary
7 to adequately represent Holmes in this critical pleading.

8 On April 10, 2019, Deputy Attorney General Sheryl Serreze indicated by
9 email respondents have no objection to the instant request for a 45-day extension.

10 This motion is not filed for the purposes of undo delay but in the interests of
11 justice. For the reasons stated above, Holmes respectfully requests this court extend
12 the deadline to file an amended petition by 45 days, up to and including Friday,
13 **May 31, 2019.**

14 Dated April 16, 2019.

15 Respectfully submitted,

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17 Rene L. Valladares
18 Federal Public Defender

19 /s/ S. Alex Spelman
20 S. Alex Spelman
21 Assistant Federal Public Defender

22 **IT IS SO ORDERED:**

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25 RICHARD F. BOULWARE, II
26 United States District Judge

27 Dated: April 17, 2019

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Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Sheryl Serreze.

Lafayette D. Holmes
#1035895
Ely State Prison
PO Box 1989
Ely, NV 89301

/s/ Arielle Blanck
An Employee of the
Federal Public Defender